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October 25, 2021

*Via ECF*

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
NY, NY 10007

**APPLICATION GRANTED  
SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 10/26/2021

Re: *Resurrect by Night LLC v. Philipp Plein Americas, Inc., et al.*, No.1:21-cv-04948 (VSB), Request for Extension to File Default Judgment Against Defendants

Dear Judge Broderick:

We represent the Plaintiff in the above-referenced matter. To date, none of the Defendants have appeared or answered. This is a copyright infringement case. Per Plaintiff's complaint, the Defendants manufacture, advertise and sell a wide array of clothing that infringes upon two of Plaintiff's copyrighted designs. The Defendants advertise and sell the infringing products on multiple online platforms, reaching a worldwide audience. Plaintiff writes here to request a ninety-day extension to file an order to show cause for a default judgment in this matter, for the reasons discussed below.

On July 23, 2021, the Court issued an order concerning one of the Defendants, PP Retail USA, LLC. D.E. # 11. As the Court's order noted, this Defendant was served on June 16, 2021, and had not yet answered. Plaintiff requested an additional 90 days to file for a default judgment against this Defendant, D.E. # 12, and the Court granted this request. D.E. # 13. After that request was granted, Plaintiff filed the affidavits of service for the other two Defendants, including service on the foreign defendant Philipp Plein International, AG, in Switzerland. D.E. #'s 14 - 15. Both of these Defendants' time to answer or appear has expired.

On September 15, 2021, Plaintiff requested the ability to conduct third-party discovery prior to a F.R.C.P. Rule 26 conference, as the Defendants had not appeared and thus no conference could be held. D.E. # 20. The Court granted this request, D.E. # 21, and Plaintiff has subpoenaed several entities which Plaintiff believes have sold infringing products. Plaintiff has also retained an expert to assist in calculating damages for this matter.

To date, however, none of the third parties have provided documents reflecting sales of the infringing products. To continue discussions to receive documents, to provide time to litigate any disputes over these subpoenas, and to give Plaintiff's damages expert time to evaluate documents, Plaintiff requests an additional 90 days to file for a default for all three Defendants in this matter.

We thank Your Honor in advance for your attention to this matter.

Respectfully submitted,

/s/ Christopher M. Van de Kieft

Christopher M. Van de Kieft